

LAEL D. ANDARA (SBN 215416)
 DANIEL E. GAITAN (SBN 326413)
 ROPERS MAJESKI PC
 1001 Marshall Street, 5th Floor
 Redwood City, CA 94063
 Telephone: 650.364.8200
 Facsimile: 650.780.1701
 Email: lael.andara@ropers.com
 daniel.gaitan@ropers.com

Attorneys for Plaintiff
 SINCO TECHNOLOGIES PTE LTD

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SINCO TECHNOLOGIES PTE LTD,

Plaintiff,

v.

SINCO ELECTRONICS (DONGGUAN) CO.,
 LTD.; XINGLE ELECTRONICS
 (DONGGUAN) CO., LTD.; XINGKE
 ELECTRONICS TECHNOLOGY CO., LTD.;
 SINCOO ELECTRONICS TECHNOLOGY
 CO., LTD.; MUI LIANG TJOA (an
 individual); NG CHER YONG aka CY NG (an
 individual); and LIEW YEW SOON aka
 MARK LIEW (an individual),

Defendants.

Case No. 3:17CV5517

**PLAINTIFF SINCO TECHNOLOGIES
 PTE LTD'S NOTICE OF MOTION &
 AND DAUBERT MOTION TO STRIKE
 THE EXPERT REPORT OF
 DEFENDANTS' DAMAGES EXPERT
 HENRY KAHRs AND TO PRECLUDE
 MR. KAHRs AND ADRIAN FLEISSIG
 FROM TESTIFYING AT TRIAL**

Date: TBD
 Time: TBD
 Courtroom: 5
 Judge: Edward M. Chen

Trial Date: 11/1/2021
 Date Action Filed: 9/22/2017

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at a date and time to be set by the Court, located at 450 Golden Gate Avenue, San Francisco, California 94102, in Courtroom 5 located on the 17th Floor, before the Honorable Judge Edward M. Chen, Plaintiff, SINCO TECHNOLOGIES, PTE, LTD., ("SINCO") by and through its Attorneys of record, will and hereby does respectfully move for an Order striking the Defendants: SinCo Electronics (Dongguan) Co., Ltd., doing business as XingKe Electronics (Dongguan) Co., Ltd.; Mui Liang Tjoa; Mark Liew; and Cy Ng's

1 (“XINGKE”) sponsored damages expert report and precluding Henry Kahrs and Adrian Fleissig
 2 from testifying at trial.

3 This Motion is made pursuant to the Federal Rules of Evidence Rules 104, 702, 703; 401-
 4 403, 104(a) and Federal Rules of Civil Procedure (FRCP) Rule 26(a)(2), *Daubert v. Merrell Dow*
 5 *Pharms., Inc.*, 509 U.S. 579 (1993) and other relevant case law and statutory law within the
 6 Memorandum of Points of Authority, and any legal authority this Court sees fit. Specifically, Mr.
 7 Kahrs expert opinions are barred by Federal Rules of Evidence 104, 401–403 and 702–703 as the
 8 opinions: (1) are not premised on an objective and reliable evidentiary basis that is appropriate for
 9 an expert opinion on the matters presented; (2) improperly assert, as an expert opinion, that there
 10 was no consumer confusion of the trademarks; and (3) creates a danger of prejudice, confusion of
 11 the issues, and misleading of the jury, all of which would outweigh the probative value of the
 12 proposed expert opinions. SINCO respectfully requests that this Court strike the expert report of
 13 Defendants’ damages expert Mr. Kahrs and to preclude Mr. Kahrs and Mr. Fleissig from
 14 testifying at trial.

15 The Motion is based on this Notice of Motion and Motion, the accompanying Memorandum
 16 of Points and Authorities in support thereof, and the pleadings on file with the Court in this action;
 17 and on such further oral argument and documentary evidence, as may be presented at the hearing
 18 of this motion.

19 Dated: March 26, 2021

20 Respectfully submitted,

21 ROPERS MAJESKI PC

22 By: 

23 TODD A. ROBERTS
 24 LAEL D. ANDARA
 25 JENNIFER E. ACHESON
 26 DANIEL E. GAITAN
 27 Attorneys for Plaintiff
 28 SINCO TECHNOLOGIES PTE LTD